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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,673	04/12/2000	Atsushi Tomita	44084-449	5765

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EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,673

Applicant(s)

TOMITA, ATSUSHI

Examiner

Prieto B.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12,15,16,19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12,15,16,19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Amendment filed 05/26/05, claims 11-12, 15-16 and 19 have been amended and claims 1-10, 13-14, 17-18 and 20 were canceled and claims 23-30 have been added.

2. Information Disclosure Statement filed 04/01/05 has been considered, initialed and enclosed accordingly.

3. Claim 11 is objected to because of the noted following informality, in this case, claim clause recited "time obtained form said clock", as best understood, claim clause intended to recite: "time obtained from said clock".

4. According to applicant's invention, warning transmission determination, involves an element data, e.g. the count value of the jam counter and the count value of the PM counter are compared with predetermined threshold values. Based on the result of the comparison, it is determined whether to transmit warning data or warning cancel data to the center or not (p. 14, line 24 to p. 15, line 4).

Thereby, claim clause "a threshold value storing unit for holding threshold value information deciding a period for which the apparatus management data is valid", will be interpreted as meaning, a value *used for* deciding when a condition is met associated with said value.

As previously stated, the terms "validity/invalidity" broadly speaking, relate to the comparison between a current date and time and a predetermined or set date and time, thereby a message or data is characterized as "valid" if set date and time is equal or greater than the current time or is "invalid" if set date and time is not equal/greater than the current time (specs: page 20, lines 17-20 and Fig. 13).

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5. Arguments have been fully considered. In this it has been argued that the prior art does not teach “threshold information” (p. 13 of remarks). Arguments have been address in detail on the response to arguments below section.

Claim Rejection under 103

6. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

7. Claims 15-14, 11-13, 7-9, 4-5, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr, et. el. (Tarr) U.S. Patent No. 5,184,179 in view of RD 330036 Expiration Date as part of mail item for return to sender, Oct. 1991 (Anonymous), referred to RD hereafter.

Regarding claim 15, Tarr teaches substantial features of the invention as claimed, teaching

a management system (Figs. 3-4) that manages apparatuses (52 of Fig. 3) connected to a plurality of “apparatus management” devices, i.e. processor (16 of Fig. 1 or 60 of Fig. 3), by transmitting and receiving a information including “apparatus management” data between a “centralized management” device (103 of Fig. 4) and the apparatus management devices via a communication network, (Tarr: receiving/transmitting by control computer (16) see col 3/lines 54-58 and col 9/lines 58-col 10/line 4, transmitting over a local area network to central station see col 5/lines 8-13, data transfer in discrete bytes, i.e. packets see col 3/lines 59-60) wherein said centralized management system comprises:

communication network for sending out to the communication network a packet being addresses to a specified apparatus management device and taking in a packet from the communication network addressed to itself (Tarr: sending out packets addressed to processor see col 3/lines 54-56 and 7/lines 20-26, sending to respective processor see col 9/lines 31-21, and taking in see col 7/lines 28-31, centralized station having a modem, i.e. for taking in see col 5/lines 40-43 and sending out see col 6/lines 27-38), wherein said apparatus management devices each comprises:

first communication means (20) for transmitting and receiving the apparatus management data to and from the apparatus (Tarr: receive/transmit to/from copier see col 7/lines 13-20);

second communication means (42) for sending out a packet addressed to said centralized management device through the communication network, and taking in a packet from the communication network addressed to itself (Tarr: sending out by transceiver 42 of processor (16) to central station see col 7/lines 28-38, taking in data addressed to itself, i.e. answering see col 5/lines 40-43);

clock means (30) for providing current time (Tarr: col 6/lines 43-46); and

permitting transmission of the apparatus management data to the apparatus connected to said apparatus management device on condition based on the current time obtained from an internal clock ("clock means for providing current time") (col 6/lines 39-68);

although Tarr permitting transmission of the apparatus management data to the apparatus connected to said apparatus management device based on said provided current time;

Tarr does not explicitly teach where said packets include expiration information (e.g. date and time) upon which validity of data is determined;

RD teaches a method related to transmission of mail items, including sending out a mail item including: an interface "time setting means" for setting expiration date and time in a mail item for transmission, analyzing means for determining when the mail item has expired performing a predetermined action based on the outcome of the determination including send a "notice" in the sender indicating the mail item is returned from the recipient due to expiration data/time. The disclosure allows users to send mail and have returned to them an indication when the mail contents has become past due, i.e. "expired", or the items content becomes sensitive due to future change (i.e. "future time related sensitive").

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the disclosure for triggering data transmission via the network on a time event basis including the transmission of status and billing information. From the teachings of RD it would be readily apparent to one ordinary skilled that the evaluation of an expiration date/time entails comparing the current date/time with a given expiration date/time, and determining if said date/time has or not expired, configuring a mail application to perform several actions upon said evaluation an execute said actions based on the outcome. One ordinary skilled would be

motivated to apply RD's teachings to the Tarr system for receiving an notice when the mail item containing status/billing information has not been further processed or the contents become past due, enabling the sender to take subsequent actions, for example retransmission of said data if before a billing cycle deadline and an alternate form of retransmission in response to said notice or discarding said data is received after said billing cycle. One ordinary skilled in the art would further be motivated to apply the teachings of RD to any intermediate point between sender and destination, e.g. a mail server or relay device with mail application processing capabilities inhibiting the transmission of when the mail contents has become past due, i.e. "expired", or the items content becomes sensitive due to future change (i.e. "future time related sensitive") improving bandwidth/resource utilization.

Regarding claim 11, comprising limitations substantially the same as those discussed on claim 15, same rationale of rejection is applicable.

Tarr teaches a control device (16) configured to transmitted and receive from a managed apparatus (52) from a plurality of managed apparatuses apparatus management data by a first communicating unit (20) (col 7/lines 13-25, col 3/lines 54-58 and col 9/lines 58- to col 10/line 4), and a packet addressed to a centralized management device (103) is sent out over a communication network (col 5/lines 8-13, 7/lines 28-38) and a packet from the communication network addressed to itself is taken in by a second communicating unit (42)(col 5/lines 8-13, data transfer in discrete bytes, i.e. packets see col 3/lines 59-60, taking data addressed to itself, i.e. answering col 5/lines 40-43), said control device comprising:

- a clock for providing current time (col 6/lines 43-46);

- an analyzing unit (24) comprising a program for analyzing the packet taken in by said second communicating unit (col 39-51, 55-62);

- a threshold value storing unit for holding threshold value information used for determining a when the apparatus management data is valid (i.e. predetermined period of time or predetermined count value see col 6/lines 39-65);

- wherein said expiration time managing unit determines whether or not the current time is not past the expiration time based on a transmission time included in the packet analyzed by said

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analyzing unit, the threshold value information held by the threshold value storing unit and the current time obtained from said clock (col 6/lines 39-68).

Regarding claim 12, threshold value storing unit holds threshold value information used for determining “an expiration” time associated with each apparatus management data (i.e. a predetermined interval, *calendar events, i.e. predetermined time have expired, see col 1/lines 14-22*, transferring the count values to the central processor are at predetermined intervals, see col 1/lines 23-44, determining when a predetermined interval has occurred, i.e. expired, or a predetermined real time interval see col 3/lines 33-40).

Claims 13 - 14 (Cancelled)

Regarding claim 16, this claim comprises limitations substantially the same as those discussed on claims 11 and 15, same rationale of rejection is applicable.

Claims 17 & 18 (Cancelled)

Regarding claim 19, this claim comprises limitations discussed on claims 11 and 15, same rationale of rejection is applicable;

receiving a instruction or rule that triggers an action “command” from a management device via a communication network (Tarr: col 6/lines 27-28, col 5/lines 31-36 and col 3/line 47-49); determining whether or not a “command” has expired (RD: page 1); and sending the command to the image forming apparatus for processing (execution) when the command has not expired (RD: page 1).

20. (Cancelled)

Regarding claim 20, sending information to the management device via the communication network when the command has expired (Tarr: col 6/lines 39-54).

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Regarding claim 21, not controlling the management device based on the outcome from the decision unit. RD as applied on claim 15, same rationale of rejection is applicable.

Regarding claim 22, command to request an operation of the apparatus (“image forming apparatus”) (Tarr: col 6/lines 27-28, col 5/lines 31-36 and col 3/line 47-49).

Regarding claim 23, this claim comprises limitations substantially the same as those discussed on claims 11 and 15-16, same rationale of rejection is applicable

Regarding claim 24, this claim comprises limitations functionally the same as those discussed on claims 11-12, 15-16 and 19, same rationale of rejection is applicable, wherein the control device of claim 11, is now called “terminal device”, the centralized management device of claim 11, is now called “center device” and the “apparatus management devices of claim 15 is now called terminal relay device between the center device and the managed devices.

Regarding claims 25-30, these claims comprises limitations functionally the same as those discussed on claims 11-12, 15-16 and 19, same rationale of rejection is applicable.

Response to Arguments

8. Regarding claims 15-14, 11-13, 7-9, 4-15, 19-20 and 22 rejected under 103 as being unpatentable over Tarr in view of RD, it is argued, that neither Tarr nor RD teach a threshold value (p. 13 of remarks).

In response to the above-mentioned argument, as discussed above, claimed term “threshold value information” has been given the broadest reasonable interpretation in light of the specifications. According to applicant’s invention, warning transmission determination, involves an element data, e.g. the count value of the jam counter and the count value of the PM counter are compared with predetermined threshold values. Based on the result of the comparison, it is determined whether to transmit warning data or warning cancel data to the center or not (p. 14, line 24 to p. 15, line 4). Transmission occurs when a value of element data is outside the

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permissible threshold value range particular to the element data (p. 16, lines 11-18); when it is determined that the value is outside said threshold value, a warning flag associated with the element data and a warning transmission flags are set and mail transmission is performed (p. 17, lines 1-10). Thereby, claim clause “a threshold value storing unit for holding threshold value information deciding a period for which the apparatus management data is valid”, will be interpreted as meaning, a value *used for* deciding when a condition is met associated with said value.

Tarr teaches storing a threshold value information used for deciding when to transmit data regarding the monitored devices to an offsite location. Tarr teaches a method and apparatus for monitoring photocopiers and signaling to the appropriate party information regarding the number of copies made during a predetermined time interval; *when a predetermined number of copies have been made*; when service is necessary; and *calendar events* such as when rental agreements or service contracts *have expired*. (col 1/lines 14-22). Tarr teaches transferring the count values to the central processor are at predetermined intervals (col 1/lines 23-44); the photocopier monitoring system monitors the count signal to determine a total count value based upon the number of counts detected during a predetermined interval and automatically notifies an off site end user *when a predetermined number of counts has occurred* or what number of counts has occurred in a predetermined real time interval (col 3/lines 33-40); the central management device is also configured to command the copiers through the control device for status information if a predetermined time has expired (col 6/lines 27-38).

Thereby, Tarr teaches storing a threshold value information deciding a period of time for which the apparatus management data is to be transmitted and a threshold value storing a threshold value information deciding a when a predetermined value/count has been reached for which the apparatus management data is to be transmitted. One ordinary skilled in the art would recognize that the central management device is also configured to configure the copiers through the control device to perform actions associated with status information obtained from the copiers if a predetermined time has expired.

From the teachings of RD it would be readily apparent to one ordinary skilled that the evaluation of an expiration date/time entails comparing the current date/time with a given expiration date/time, and determining if said date/time has or not expired, configuring a mail

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application to perform several actions upon said evaluation and execute said actions based on the outcome. That is, evaluate an expiration date/time entails by comparing the current date/time with a given expiration date/time, if said date/time has, configuring a mail application or any other to perform a first set of several actions, if said date/time has not expired, configuring a mail application or any other to perform a second set of several actions.

9. Applicant's arguments filed 05/26/05 have been fully considered but not found persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free)).

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Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER
Aug. 8th, 2005